

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: June 28, 2011
Time: 10:00 a.m.

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In re:

Chapter 13

SUSAN BUSTAMANTE

Case No.: 110-45786-608

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Carla E. Craig, United States Bankruptcy Judge on the 28th day of JUNE, 2011 at 10:00AM, at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §1307(c) dismissing this case, by reason of the debtor(s)' default in making timely monthly plan payments under the Chapter 13 Plan, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than five (5) days prior to the return date of this motion.

Dated: Melville, New York
May 26, 2011

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

To: *Office of the United States Trustee
United States Bankruptcy Court
271 Cadman Plaza East, Suite 4529
Brooklyn, NY 11201*

*Recovery Management Systems Corp.
25 SE 2nd Avenue, Ste. 1120
Miami, FL 33131*

*Susan Bustamante
80-20 162 Street
Jamaica, NY 11432*

*Herbert Noel Steinberg, Esq.
Attorney for Debtor(s)
80-02 Kew Gardens Road, Ste. 300
Kew Gardens, NY 11415*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

SUSAN BUSTAMANTE

tmm1634

Chapter 13

Case No.: 110-45786-608

Debtor(s)

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APPLICATION

TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate, respectfully represents as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on June 18, 2010, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. The debtor(s)' plan was confirmed by Order of this Court on August 17, 2010.
3. The debtor(s)' plan provides for payment to the Trustee in the sum of \$1,070.00, per month, for a period of sixty (60) months.
4. The debtor(s) is in default in that the Trustee is owed the sum of \$5,350.00, representing five (5) monthly plan payments. This amount includes all plan payments due to the Trustee until the return date of this motion.
5. Furthermore, in the event this motion is adjourned to a later date, the Trustee requests that the motion be amended to include as arrearage, all payments that accrue from the date of the scheduled hearing until the adjourned hearing.
6. This is a material default and is prejudicial to the rights of the creditors of the debtor(s).

WHEREFORE, the Trustee prays for an Order pursuant to the provisions of 11 U.S.C. §1307(c) dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Melville, New York
May 26, 2011

/s/ Michael J. Macco
Michael J. Macco, Chapter 13 Trustee
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

LONI BRAGIN, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On May 26, 2011, deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Office of the United States Trustee
United States Bankruptcy Court
271 Cadman Plaza East, Suite 4529
Brooklyn, NY 11201*

*Susan Bustamante
80-20 162 Street
Jamaica, NY 11432*

*Herbert Noel Steinberg, Esq.
Attorney for Debtor(s)
80-02 Kew Gardens Road, Ste. 300
Kew Gardens, NY 11415*

*Recovery Management Systems Corp.
25 SE 2nd Avenue, Ste. 1120
Miami, FL 33131*

/s/ Loni Bragin
LONI BRAGIN

Sworn to before me this
26th day of MAY, 2011

/s/ Janine M. Zarrilli

NOTARY PUBLIC

Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2013